

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ORDER

This matter is before the court upon plaintiff's Complaint alleging employment discrimination by defendant based upon disability, age, and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 623 et seq. This case has been assigned to the undersigned United States Magistrate Judge pursuant to the Civil Justice Reform Act and is being heard by consent of the parties under 28 U.S.C. § 636 (c). Currently pending before the court is plaintiff's Motion to Consolidate and Request for a New Scheduling Order. (Doc. No. 17). Defendant has filed Government's Response to Plaintiff's Motion to Consolidate and Request for a New Scheduling Order. (Doc. No. 19).

In his motion, plaintiff states that the court currently has pending before it three matters involving the same parties and facts, Cause Numbers 1:06CV22LMB, 1:07CV28LMB, and 1:07CV75LMB. Plaintiff states that the most recent cause of action, Cause No. 1:07CV75LMB, has only recently been filed. Plaintiff claims that it was necessary to file these causes of action

separately instead of filing an amended complaint in the first action as the administrative process had to run on each complaint of discrimination before suit could be filed. Plaintiff states that these three lawsuits involve common questions of law and/or fact. Plaintiff argues that judicial economy requires that the three causes of action be consolidated and proceed as the lawsuit involves the same evidence, the same parties and the same witnesses, and all involve complaints by Plaintiff Tony Lee against his former employer, the United States Postal Service, for discrimination and retaliation. Plaintiff also requests a new scheduling order in the current matter.

In his Response, defendant indicates that he agrees with plaintiff's Motion to Consolidate because all three matters involve the same parties as well as common questions of law and/or fact. Plaintiff states that he also agrees and consents to the court entering a new scheduling order.

Being so advised, the court will grant plaintiff's Motion to Consolidate.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion to Consolidate and Request for a New Scheduling Order be and it is **granted**.

IT IS FURTHER ORDERED that Cause Number 1:07CV28LMB and Cause Number 1:07CV75LMB be consolidated with Cause Number 1:06CV22LMB.

Dated this 3rd day of October, 2007.

Lewis M. Blanton

LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE